

## **NOTICE**

**THE RESPONSES TO OFFEROR'S COMMENTS AND/OR QUESTIONS ARE PROVIDED TO ASSIST OFFERORS IN PREPARING THEIR PROPOSALS. HOWEVER, IN THE EVENT OF ANY DISCREPANCIES BETWEEN THE INFORMATION PROVIDED IN THE RESPONSES AND THE RFP, THE RFP SHALL TAKE PRECEDENCE. MOREOVER, UNLIKE THE CONTRACTUAL PROVISIONS CONTAINED IN THE RFP, THE INFORMATION PROVIDED IN THE RESPONSES ARE NOT NOW, OR AT ANY TIME HEREAFTER, CONTRACTUALLY BINDING ON THE DEPARTMENT OF ENERGY.**

67. COMMENT: Will Rev. 1 of the DPP (if issued) be part of the final RFP?

RESPONSE: The FY06-FY12 Liquid Waste Disposition Processing Plan (LWDPP), Revision 0, was issued in May 2006 and included in the Draft RFP. A revision to the LWDPP has not been issued, however, several changes have occurred which affect the planning baseline presented in that document. An Update to FY06-FY12 Liquid Waste Disposition Processing Plan, Rev. 0, August 22, 2007, has been issued and posted to the Liquid Waste Contract Request for Proposal Web Site (<http://professionals.pr.doe.gov/srs/lw.html>).

- 68.. COMMENT: Several comments were received pertaining to the Section M Technical Evaluation Criteria, their relative ranking, and release of the weighting information.

RESPONSE: As stated in Section M.5, technical proposal will be adjectively rated. Section M.4 identifies with particularity the overall relative importance of the technical criteria. Please note that some revision to the Technical Evaluation Criteria did occur.

69. COMMENT: Section B.2.g states that there will be no adjustment in the amount of award fee for up to a 10% change in funding. We believe +/- 5% is more reasonable.

RESPONSE: The SEB has considered this comment and has decided to maintain the 10% change in funding. Note this is now addressed in Section B.2(f).

70. COMMENT: Several comments were received pertaining to contingency/management reserve.

RESPONSE: Section L.5(f)9, "Contingency" has been revised to provide clarity.

71. COMMENT: Would DOE-SRS consider adding stronger language for small business participation and specifically with regards to meaningful technical scope, such as establishing minimum aggressive percentages and a requirement for inclusion of a completed Small Business Subcontracting Plan that defines the

scope of work to be provided by SBs, similar to the DOE-Richland River Corridor Closure Contract RFP DE-RP06-04RL14655? In Section L.6 (b)(3) of this RFP for the proposal preparation instructions to offeror, the DOE presents the “minimum goals to constitute a valid offer under this solicitation”.

RESPONSE: The comment has been reviewed and considered, but additional language regarding small business participation was not added to the RFP. Note, however, that L.3(j) of the RFP requires the submission of a Small Business Subcontracting Plan, and that historical small business contracting information has been posted to the acquisition website for Offerors’ information and consideration.

72. COMMENT: Should Pension and Post Retirement costs be separately identified for incumbent employees and new employees on Attachment F, Detailed Costs by Cost Element Worksheet? Will the final RFP provide historical employee turnover statistics?

RESPONSE: Yes, as noted in L.5(f)5, costs for incumbent and new employees shall be separately identified. Also, please note that clarification has been made to the cost templates. Historical employee turnover statistics have not been provided in the RFP, however, employee demographic information has been posted to the website.

73. COMMENT: DOE should identify the projected influent waste streams to the LW contractor systems through 2016 and should state whether streams outside of current Waste Acceptance Criteria are planned as inputs to the LW system facilities in this period.

RESPONSE: Section C.1.3.1 has been revised to provide clarification on the expected waste influents.

74. COMMENT: H.12 Government Furnished Services and Items - Need to clarify what is and is not GGS/I and who is responsible for meeting the Government Property clause as regards suitability and timeliness of GFS/I. Also, GFS /I is not addressed in the SOW or in the cost proposal. Furthermore, much of what is discussed in Appendix N is not GFS/I. H.29 Cooperation with other site contractors specifies LW Contractor liabilities if he doesn’t fully cooperate with others but silent on LW Contractor’s rights and remedies if he doesn’t not receive full cooperation/support from others such as the M&O.

RESPONSE: H.12 identifies specific GFS/I provided under this contract and addresses the process for adding new GFS/I and managing GFS/I. Assuming the reference to “the Government Property clause” is H.44, Government-Owned Property and Equipment, the contractor is responsible for conducting a full inventory and identifying any discrepancies from the existing inventory records to the Contracting Officer. GFS/I is not required to be included in Section C. As for

the cost proposal, there are no costs associated with GFS/I. Section J, Appendix L will be revised in Amendment 001. Section J, Appendix N has been revised to provide clear direction on services provided to the contractor and services provided by the Liquid Waste contractor. Funding responsibilities are also clearly outlined when services are provided and funded by others. The Offeror's cost proposal shall be consistent with directions provided in Section J, Appendix N. Note, in accordance with H.29, "The contractor shall immediately notify the CO if the Contractor's activities will interfere with any DOE contractor or if there is an interference or conflict with any DOE contractor in performance of the Contractor's activities in support of DOE or another DOE contractor."

75. COMMENT: The RFP, page H-14, requires reporting and input into the DOE system ECES / ECAS. We would like to confirm that this would imply that while the proposal will be submitted in the WBS form prescribed in the RFP, the subsequent contract reporting structure and format could be materially different than the basis upon which the proposal is submitted i.e. some combination of the RFP WBS structure, the ECAS structure, a cost element structure, a project reporting structure used for invoice purposes, etc. H.14 also states the contractor's project control system "shall be fully integrated with the financial accounting systems on site..." Specifically what site accounting systems must we integrate with and who operates them. For example, will we be required to export our cost data into the M&O contractor accounting system, some site DOE systems, others? Also, why is this a requirement under a FAR based contract that requires monthly invoices? Under such contract types, DOE would normally input cost data from detailed invoices into whatever site systems they deemed necessary. Does the SEB have the expectation that costs would be reported in the same format as proposed?

RESPONSE: We have removed the reference to "on-site" in clause H.14. Offerors are still required to establish, maintain, and use a project control system that is fully integrated with its financial accounting system. Generally, yes reporting will be expected to be similar. However, the exact format for reporting costs will be determined post award.

76. COMMENT: We request that DOE provide complete organization charts for the current LW contract.

RESPONSE: Organizational charts will not be posted.

77. COMMENT: For the evaluation of Cost and Best Value to the Government, would DOE consider evaluation [sic] the savings through innovative technical and management approaches such as: outsourcing, cross training (use of core teams) and shared resources?

RESPONSE: No.

78. COMMENT: Under Relevant Experience (M.5.5) and Past Performance (M.5.6), DOE should provide a minimum dollar value for projects considered “similar in size” as was provided in Section L.4(e)(1) (page L-19) of the SRS M&O RFP (in that case, \$50M).

RESPONSE: DOE has maintained the “similar in size” language.

79. COMMENT: Please provide specific examples and/or expectations as to how the Liquid Waste Contractor will be able to provide input to the development and modifications of site-wide ES&H procedures, especially where there may be a conflict.

RESPONSE: As explained in Sections C.2.2, H.29, and Section J, Appendix N of the Final RFP, it is expected that the LW Contractor will coordinate and resolve issues with the SR M&O Contractor and potentially other site contractors, primarily through the use of the SRS Interface Management Plan and associated Memoranda of Agreement/Understanding established between the contractors. If an issue between the contractors cannot be resolved, it shall be reported to DOE-SR for final resolution.

80. COMMENT: Future DWPF production rate is uncertain because of differences in sludge batch content from the initial three (relatively easy) batches. How will DOE take this into consideration?

RESPONSE: The contract end states for DWPF canister production in the RFP account for differences in future sludge batches based on the current information and reflects a reduced canister production rate for the processing of these sludge batches.

81. COMMENT: C.1.2.3 states the contractor “shall operate the ARP and the MCU pending start-up of the SWPF...” Is it implicit that this does not extend beyond the design basis of ARP/MCU?

RESPONSE: The design bases for ARP and MCU shall be assumed to support operations during the period leading to startup of SWPF. Please note Section C.2.1.1, “Conformity with Section 3116 Determination, Permit and Other Matters” may affect ARP and MCU operation.

82. COMMENT: How much flexibility does the LW contractor have in selecting alternative processing approaches? The DRFP prescribes a definitive approach for LW processing and disposition, and specifically includes the LWDPP. But the DRFP Introduction Section places the burden on contractor to “determine specific methods and approaches for accomplishing the work”. Furthermore, subsequent sections of the DRFP (examples are C.1.1.1, 1.1.2, and 1.2.2) exhort technical creativity and include several requirements for the contractor to “improve upon

scope and execution as described in the LWDPP...” and find better ways to achieve the end states.

RESPONSE: A clarifying statement has been added to Section C to reinforce contractor flexibility in identifying, developing and implementing improved, supplemental or replacement processes, approaches and technologies for the LW SOW. Please note Section C.2.1.1, “Conformity with Section 3116 Determination, Permit and Other Matters” may impact proposed alternatives to salt waste processing.

83. COMMENT: Attachment C-3 – FY06-FY12 Liquid Waste Disposition Processing Plan, Page 62: The LW DPP identifies a number of projects that are “Still Required”, yet the SOW doesn’t directly address the responsibility for these projects. We suggest that the SOW should address responsibility for these and that the LW Contractor should be responsible for any project that is substantially located in a LW facility. Additionally on projects not substantially within LW facilities but affecting LW facilities, the LW Contractor should have as minimum review rights of the design and the construction efforts within LW facilities.

RESPONSE: As described in Section C.2.4 of the Final RFP, the LW Contractor is responsible for all engineering, design, procurement and construction services associated with the LW SOW.. The only exception to this is the proposed small-scale plutonium vitrification nonproliferation capability. As described in Section C.1.2.1 of the Final RFP, construction activities in DWPF would be assigned to the SR M&O contractor, however, the LW Contractor would have approval authority over any associated modifications to DWPF or other LW facilities.

84. COMMENT: Preparing Section 3116 Determinations and documented Performance Assessments is included in both Section C.1.1.2 – Tank and Associated Facility Closure and C.2.1 – Section 3116 Determinations. This appears to be redundant. Please clarify.

RESPONSE: Section C.2.1, “Waste Determinations” has been significantly revised to address the Section 3116 requirements and responsibilities.

85. COMMENT: If DOE retains the requirement for a Level 5 WBS cost estimate, we request that DOE provide all Offerors with the historical information and planning information for cost and schedule for the entire LW scope of work. This would include but is not limited to: - The current cost and schedule baseline(s) in use by the current contractor for the entire LW scope to the level required to be proposed in the contract. This should include the Contract Performance Baseline information and any execution baselines being used for individual subprojects or other PBS 0014C work scope. - The current WBS structure and library in use by the current contractor - The current contractors' organization chart showing assets down to the FTE level and the current contractor's roster to the FTE level which shows the skill mix. - A historical listing of the design and craft labor man-hours

required to support the LW organization projects for the past three years and any projections of those costs for the duration of the new LW contract base and option years. - The projected Davis Bacon craft labor wage rates applicable in 2007 and those projected for SRS through 2016. - A 3 year historical listing of all non-labor costs for the LW project. Planned non-labor costs through 2016 should also be provided. - A listing of all existing subcontracts which define their cost, cost to complete, and delivery schedules. - DOE and its current contractor are planning new facilities and modifications to current facilities to execute the Disposition Processing Plan. All the planning documentation which estimate cost and schedule requirements for this work should be included. The lag storage for supplying feed to the Saltstone Production Facility is one such facility change as are the planned Saltstone Disposal Facility vaults. - DOE and its contractor should provide information on sample transport times and analysis and reporting turnaround times for each type of sample required to support the LW program. - The number of personnel bioassays and other health monitoring assessments of individuals required over the past five years for the LW work force. - The historical information since 2001 for RAP team response by personnel assigned to the LW program.

RESPONSE: Significant additional information has been included in the RFP and on the acquisition website. Section L, Attachment E, Work Breakdown Structure/Cost Data provides significant cost information based on an analysis of recent historical costs. Section L, Attachment F reflects the changed cost templates. Please note that some of the WBS levels have been changed. A WBS dictionary and additional cost information considered necessary to prepare offers, including staffing information, has been added to the website.

86. COMMENT: Some comments were received stating that the contract end states were well defined. Other comments asserted that the end states should be more specific, quantitative and measurable. In support of this latter contention, it was asserted that: 1) the introductory section lists “general” end states that are quantitative but not technically detailed and that while follow-on sections provide more explanation, they do not include specific, quantitative performance measures; 2) one important element of this is that the figures of merit for LW end states are defined primarily in terms of waste volume (gallons) and canisters but other factors could be more meaningful in terms of performance such as curies captured per DWPF canister; 3) a target for canister number is, in effect, a disincentive for the contractor to work to improve curie capture efficiency; and 4) it is unclear how terms like “in keeping with”, “consistent with”, “maximize” and “optimal sludge oxide and salt waste loading” will be translated into unambiguous performance criteria.

RESPONSE: 1) The objective of the Liquid Waste Program is to safely disposition waste currently stored in the liquid waste tanks and ultimately close those tanks consistent with all regulatory and safety basis requirements.

Therefore, the end state requirements focus on tank closures and canister production. 2 & 3) Dispositioning curies in DWPF canisters, while EM's goal, cannot be directly measured nor otherwise quantified by objective means. Therefore, the SEB has prescribed contract end states for DWPF operations in terms of canisters produced as the best available objective measure. The potential Offeror is reminded that Section M.5.1 states, "DOE will evaluate the Offeror's approach to optimize system performance to maximize waste throughput *{not necessarily canisters}* at DWPF and tank closure rates . . . " 4) As required in Section H.14(b), the Contractor shall develop and submit for approval, a contract performance baseline consistent with the terms and conditions of the contract and its proposal no later than six months after contract award. In turn, Section H.28 states that the Performance Evaluation and Measurement Plan will be provided to the Contractor with approval of the Contract Performance Baseline. Therefore, performance criteria established in the PEMP, will in part, be derived from the CPB and will be clearly defined.